

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

AUGUSTUS SIMMONS,)	
)	
Plaintiff,)	Civil Action No. 13-258 Erie
)	
v.)	Judge Cathy Bissoon
)	Magistrate Judge Susan Paradise Baxter
CAPTAIN SZELEWSKI, <i>et. al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

This case was referred to United States Magistrate Judge Susan Paradise Baxter for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On November 10, 2015, the Magistrate Judge issued a Report (Doc. 65) recommending that Defendant Szelewski's Motion for Summary Judgment (Doc. 43) be granted. Service of the Report and Recommendation was made. On November 20, 2015, Augustus Simmons ("Plaintiff") filed his objections. (Doc. 66). On December 2, 2015, Defendant Szelewski filed his response to Plaintiff's Objections. (Doc. 69).

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections and Response thereto, the following Order is entered:

Defendant's Motion for Summary Judgment (Doc. 43) is **GRANTED**. The Report and Recommendation of the Magistrate Judge, dated November 10, 2015, hereby is adopted as the Opinion of the District Court.

IT IS SO ORDERED.

December 22, 2015

s\Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):

All counsel of record

cc (via First-Class U.S. Mail):

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